

AMENDMENTS TO THE CLAIMS

1. (Currently amended) A polynucleotide comprising ~~a sequence selected from those depicted in SEQ ID No. 1, SEQ ID No. 2, SEQ ID No. 3, SEQ ID No. 4 and SEQ ID No. 5~~SEQ ID NO: 5.
2. (Currently amended) A polynucleotide sequence comprising ~~a sequence selected from the group consisting of nucleotides 53 to 385 in SEQ ID No. 1, nucleotides 11 to 334 in SEQ ID No. 2, nucleotides 24 to 317 in SEQ ID No. 3, nucleotides 20 to 343 in SEQ ID No. 4 or nucleotides 1 to 446 in SEQ ID No. 5~~SEQ ID NO: 5.
3. (Currently amended) A polynucleotide sequence comprising ~~a sequence selected from the group consisting of nucleotides 137 to 286 in SEQ ID No. 1, nucleotides 95 to 244 in SEQ ID No. 2, nucleotides 108 to 257 in SEQ ID No. 3, nucleotides 104 to 253 in SEQ ID No. 4 or nucleotides 177 to 326 in SEQ ID No. 5~~SEQ ID NO: 5.
4. (Currently amended) A polynucleotide sequence comprising ~~a sequence selected from the group consisting of nucleotides 287 to 385 in SEQ ID NO. 1, nucleotides 245 to 334 in SEQ ID No. 2, nucleotides 258 to 317 in SEQ ID No. 3, nucleotides 254 to 343 in SEQ ID No. 4 or nucleotides 327 to 446 in SEQ ID No. 5~~SEQ ID NO: 5.
5. (Currently amended) A polynucleotide encoding a protein having a substantially similar activity to that encoded by ~~any of SEQ ID No. 1, No 2, No. 3, No.4 or No. 5~~SEQ ID NO: 5 which polynucleotide is complementary to one which when incubated at a temperature of between 55 and 65°C in a solution containing 5 X SSC (saline sodium citrate buffer) containing 0.1% SDS and 0.25% powdered skimmed milk followed by washing at the same temperature with 0.1, 0.5 or 2x SSC containing 0.1% SDS still hybridises with ~~a sequence depicted in SEQ ID No 1, SEQ ID No 2, SEQ ID No3, SEQ~~

~~ID No. 4 or SEQ ID No. 5~~SEQ ID NO: 5 with the proviso that the sequence is not that described in ~~SEQ ID No. 6 or 7~~SEQ ID NO: 6 or SEQ ID NO: 7.

6. (Currently amended) A polynucleotide encoding a protein having a substantially similar activity to that encoded by ~~nucleotides 137 to 286 in SEQ ID No. 1, nucleotides 95 to 244 in SEQ ID No. 2, nucleotides 108 to 257 in SEQ ID No. 3, nucleotides 104 to 253 in SEQ ID No. 4 or nucleotides 177 to 326 in SEQ ID No. 5.~~, which polynucleotide is complementary to one which when incubated at a temperature of between 55 and 65°C in a solution containing 5 X SSC (saline sodium citrate buffer) containing 0.1% SDS and 0.25% powdered skimmed milk followed by washing at the same temperature with 0.1, 0.5 or 2x SSC containing 0.1% SDS still hybridises with ~~a sequence depicted by nucleotides 137 to 286 in SEQ ID No. 1, by nucleotides 95 to 244 in SEQ ID No. 2, by nucleotides 108 to 257 in SEQ ID No. 3, by nucleotides 104 to 253 in SEQ ID No. 4 or by nucleotides 177 to 326 in SEQ ID No. 5.~~ with the proviso that said sequence is not that described in ~~SEQ ID No. 6 or SEQ ID No. 7~~SEQ ID NO: 6 or SEQ ID NO: 7.
7. (Original) A polynucleotide according to any preceding claim, further comprising a region encoding a peptide which is capable of targeting the translation products of the sequence to plastids such as chloroplasts, mitochondria, other organelles or plant cell walls.
8. (Previously amended) A polynucleotide according to any one of claims 1 to 6, wherein translational enhancing sequences are inserted 5' of the protein encoding regions comprised by the polynucleotide.
9. (Previously amended) A polynucleotide according to any one of claims 1 to 6, which is modified in that mRNA instability motifs and/or fortuitous splice regions are removed, or plant preferred codons are used so that expression of the thus modified polynucleotide in a plant yields substantially similar protein having a substantially similar activity/function to that obtained by expression of the unmodified polynucleotide in the organism in which the protein

encoding regions of the unmodified polynucleotide are endogenous, with the proviso that if the thus modified polynucleotide comprises plant preferred codons, the degree of identity between the modified polynucleotide and a polynucleotide endogenously contained within the said plant and encoding substantially the same protein is less than about 60%.

10. (Previously amended) A plant transformation vector comprising a plant operable promoter, a polynucleotide sequence according to any one of claims 1 to 6 under the transcriptional control thereof and a plant transcription terminator.
11. (Previously amended) Plant tissue transformed with the polynucleotide of any one of claims 1 to 6 and material derived from the said transformed plant tissue.
12. (Previously amended) Morphologically normal fertile whole plants comprising the tissue or material of claim 11.
13. (Currently amended) The progeny of the plants of claim 12, the seeds of such plants and such progeny, wherein said progeny and said seeds comprise the polynucleotide sequence.
14. (Previously amended) A method of producing plants which are substantially tolerant or substantially resistant to microbial infection, comprising the steps of:
 - (i) transforming plant material with the polynucleotide of any one of claims 1 to 6;
 - (ii) selecting the thus transformed material; and
 - (iii) regenerating the thus selected material into morphologically normal fertile whole plants.
15. (Previously amended) Use of the polynucleotide of any one of claims 1 to 6 in the production of plant tissues and/or morphologically normal fertile whole

plants which are substantially tolerant or substantially resistant to microbial infection.

16.-19. (Deleted)